

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONALD E. MARSHALL,

Plaintiff,

-v-

6:14-CV-0797
(DNH/DEP)

CAROLYN W. COLVIN, as Acting
Commissioner Of Social Security,

Defendant.

APPEARANCES:

ANTONOWICZ LAW FIRM
Attorney for Plaintiff
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Rome, New York 13440

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DAVID N. HURD
United States District Judge

OF COUNSEL:

PETER W. ANTONOWICZ, ESQ.

SERGEI ADEN, ESQ.

DECISION and ORDER

Plaintiff Donald E. Marshall filed this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for disability insurance benefits under the Social Security Act. By Report-Recommendation dated September 1, 2015, the

Honorable David E. Peebles, United States Magistrate Judge, recommended that the Commissioner's decision denying plaintiff benefits be affirmed and that defendant's motion for judgment on the pleadings be granted. No objections to the Report-Recommendation have been filed.

Based upon a de novo determination of the portion of the Report-Recommendation, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

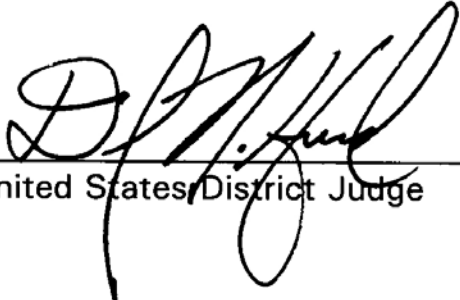
Therefore, it is

ORDERED that

- (1) the Commissioner's decision is **AFFIRMED**;
- (2) defendant's motion for judgment on the pleadings is **GRANTED**; and
- (3) the Complaint is **DISMISSED**.

The Clerk of the Court shall enter judgment and close the case.

IT IS SO ORDERED.


United States District Judge

Dated: September 28, 2015
Utica, New York